



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,221	11/12/2003	Heiko Taxis	15111-000166	6314
27572	7590	03/25/2009		
HARNESS, DICKEY & PIERCE, P.L.C.				
P.O. BOX 828				
BLOOMFIELD HILLS, MI 48303				
EXAMINER				
STEPHEN, EMEM O				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
03/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,221

Applicant(s)

TAXIS, HEIKO

Examiner

EMEM STEPHEN

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/21/2008 have been fully considered but they are not persuasive.

The Applicant's argument with regards to Gortz is not persuasive for the reason that as broadly claimed by the Applicant, Gortz discloses all the components of the operating device just like any other conventional operating device, except, transmitting unit for transmitting a control signal that contains identification information identifying the particular operational control unit, and wherein operational control units are interchangeably arranged in the slots of holding device. Nagasaka disclose all the components of a conventional operating device (see fig. 2) as Gortz above, and further disclose light being emitted when the fingertips touches the surface of the panel corresponding to the portion at which the fingertip touches, and transmitted signal from light emitting element is received by control unit (col. 10 lines 8-51). Similarly, Bramesfeld disclose switch cap that may be moved from one through bore 18 to another, or may be removed entirely, or may be replace by another (new) switch cap (col.2 lines 55-61). The motivation to combine is an improvement of conventional operating device to suit the design preference of the user of the operating device. Therefore, the combination of Gortz, Nagasaka, and Bramesfeld disclose the applicant claim, therefore rejections are maintained and repeated below.

Specification

2. The objection to the abstract is withdrawn in view of the correction.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 3-5, 8, and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gortz et al. in view of U. S. Patent No. 7,010,756 B2 to Nagasaka et al. and further in view of U. S. Patent No. 6,140,593 to Bramesfeld et al.

Regarding claims 1, 12-14, and 19, Gortz et al. discloses driver information system (col. 1 lines 13-25) comprising an operating device having at least two operational control units and a holding unit with a number of operational control slots each adapted to receive one of the operational control units (see figure 2, col. 1 lines 20-26, and col. 4 lines 3-4), and a control device for validating control signals delivered

by the operational control units (col. 4 lines 1-4, tactile/haptic driver), each of said operational control units comprises a transmitting unit, and said control device is associated with a receiving unit in order to receive the control signals provided by the transmitting unit (col. 5 lines 59-61).

However, Gortz et al. fails to disclose transmitting unit for transmitting a control signal that contains identification information identifying the particular operational control unit, and wherein said operational control units are interchangeably arranged in the slots of holding device.

In a similar endeavor, Nagasaka discloses transmitting unit (122) for transmitting a control signal that contains identification information identifying the particular operational control unit (col. 10 lines 8-45), and receiver (80) for receiving the control signal (col. 10 lines 45-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Gortz et al. such that the transmitting unit (122) for transmitting a control signal contains identification information identifying the particular operational control unit, and a receiver (80) for receiving the control signal for the purpose of having an improved variation of driver information system.

However, the combination of Gortz et al. and Nagasaka fail to disclose wherein said operational control units are interchangeably arranged in the slots of holding device.

Bramesfeld discloses wherein said operational control units are interchangeably arranged in the slots of holding device (see figs.1-2, and col.2 lines 55-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the interchangeably operational control units of Bramesfeld in the invention of the combination for the purpose of meeting the vehicle occupant's choice.

Regarding claim 3, the combination of Gortz et al., Nagasaka, and Bramesfeld discloses the driver information system of claim 1, wherein the transmitting unit transmits said control signals optically to the receiving unit (Gortz et al., col. 2 lines 61-64, col. 4 lines 1-4, 13-14, and claim 5).

Regarding claims 4, 5, and 8, the combination of Gortz et al. Nagasaka and Bramesfeld discloses the driver information system of claim 2, wherein said operational control are supported movably relative to each other by the holding unit (Bramesfeld see figs.1-2, and col.2 lines 55-61), and wherein the receiving unit transmits said control signals via radio frequency to the receiving unit; wherein said transmitting, unit and said receiving unit are adapted for transmitting using the Bluetooth protocol; wherein said operational control are supported movably relative to each other by the holding unit (col. 10 lines 8-50, Bluetooth protocol is well known in the art).

Regarding claim 10, the combination of Gortz et al., Nagasaka, and Bramesfeld discloses the driver information system of claim 1; wherein said operation control unit is

one of an operating element, volume control element, a hard-key element etc (Gortz et al. col. 1 lines 20-26).

Regarding claim 11, the combination of Gortz et al., Nagasaka, and Bramesfeld discloses the driver information system of claim 1, wherein operational control units comprise identical cover plates (Bramesfeld, see figs. 1-2).

Regarding claims 15-18, the combination of Gortz et al., Nagasaka, and Bramesfeld discloses control signals include identification information identifying each of the operational control units to enable the control device to assign the control signals to the respective transmitting operational control unit (Nagasaka, col. 10 lines 8-45).

Regarding claims 20-22, the combination of Gortz et al., Nagasaka, and Bramesfeld discloses the driver information system of claim 16, wherein the data connection by which said control signals are transmitted between each operational control unit and said receiving unit is configured the same for each operational control unit (Nagasaka, see fig. 3, and col. 10 lines 8-50).

6. Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gortz et al. in view of Nagasaka, and further in view of Bramesfeld, and further in view of U. S. Patent No. 5,528,235 to Lin et al..

Regarding claims 6, 7, and 9, the combination of Gortz et al., Nagasaka, and Bramesfeld discloses the driver information system according to claim 1, wherein the holding unit comprises preset number of operational control slots, which are each adapted to receive operational control units, wherein each operational unit comprises at least one frame connector which is insertable in an edge-socket-connector provided in each said operational control slot, the control signals being transmitted by wire via said connector-socket connection (see figs. 3-4).

However, the combination fails to disclose wherein each operational control unit comprises a mounting member provided at a operational control unit slot and engaging said mounting member detachably.

Weisshaar et al. discloses wherein the holding unit comprises preset number of operational control slots, which are each adapted to receive operational control units (see figure1); wherein each operational unit comprises at least one frame connector which is insertable in an edge-socket-connector provided in each said operational control slot, the control signals being transmitted by wire via said connector-socket connection (col. 5 lines 44-54); wherein each operational control unit comprises a mounting member provided at a operational control unit slot and engaging said mounting member detachably (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the holding unit comprises each operational control unit comprising a mounting member provided at a operational control unit slot and engaging said mounting member detachably as disclosed by

Weisshaar et al. for the purpose of communicating signals.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **EMEM STEPHEN** whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571 272 7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES
03/18/2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617